

REMARKS

Claims 1-14 are pending. By this amendment, the abstract is amended; claim 6 is amended and claims 7-14 are added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Applicant appreciates the acknowledgement of the claim for priority and receipt of the certified copies of the priority document from the International Bureau.

An Information Disclosure Statement, including a PTO-1449 and a copy of the International Search Report (ISR) was submitted with the application on the filing date, March 13, 2002. Enclosed is a copy of Applicant's date-stamped post card receipt acknowledging receipt of the PTO-1449 and ISR. Applicant has not yet received an initialed and signed copy of the PTO-1449. The undersigned respectfully requests that the examiner consider each reference, initial, date and sign the PTO-1449 and return a copy of such with the next Office Action in accordance with MPEP §609. Enclosed for the Examiner's information is a translation of the International Preliminary Examination Report (IPER).

Claim 6 was objected to under 37 C.F.R. §1.75(c). Claim 6 has been amended to obviate the objection. Reconsideration and withdrawal of the objection to claim 6 are respectfully requested.

Claims 1-5 were rejected under 35 U.S.C. §112, first paragraph. The rejection is respectfully traversed.

The Office Action on page 2 alleges that "The specification, however, does not adequately define what is meant by 'trouble' of the gas detecting means."

The instant specification discloses, for example, on page 6, lines 7-19, that after a comparison gas pressure has been determined, respective deviations of the comparison gas pressure and the gas pressures measured by the pressure sensors when the stop valves are fully opened are compared with a threshold. When any deviation exceeds the threshold, it is judged that trouble has occurred in the pressure sensor which has detected the gas pressure related to the pertinent deviation.

As another example, claim 5 of the application, as originally filed, states that the trouble judgement means make a positive judgement concerning the presence of trouble when it is detected that the stop valves are fully opened when the vehicle has started.

As yet another example, page 7, lines 6-8 of the instant specification disclose that trouble with the pressure sensors can be judged anytime the fully closed stop valves are fully opened.

MPEP §2164.04 states: "In order to make a rejection, the examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention." MPEP §2164.04 further states: "A specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patterned must be taken as being in compliance with the enablement requirement of 35 U.S.C. 112, first paragraph, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support." (Emphasis added.) Finally MPEP §2164.04 states: "It is incumbent upon the Patent Office, whenever a rejection on this basis is made, to explain *why* it doubts the truth or accuracy of any statement in a supporting disclosure and to back up assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement. Otherwise, there will be no need for the applicant to go to the trouble and expense of supporting his presumptively accurate disclosure." (Emphasis in original.)

It is respectfully submitted that the Examiner has not met the initial burden of establishing a reasonable basis to question the enablement provided for the claimed invention as required by MPEP §2164.04. As discussed above, the instant specification contains teachings of the manner and process of making and using the claimed invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented. The Office Action provides no explanation as to why it doubts the truth or accuracy of any of the statements in the instant specification. The instant specification clearly teaches one of ordinary skill in the art how to make and use the claimed invention.

It is also respectfully noted that the Office Action is completely devoid of any analysis of the eight factors set forth in MPEP §2164.01(a). MPEP §2164.01(a) states: "It is improper to conclude that a disclosure is not enabling based on an analysis of only one of the above factors while ignoring one or more of the others. The examiner's analysis must consider all the evidence related each of these factors, and any conclusion of nonenablement must be based on the evidence as a whole."

It is respectfully submitted that the rejection is improper as it fails to consider all of the evidence related to the factors set forth in MPEP §2164.01(a) and must be withdrawn.

Claims 2-14 recite additional features of the invention and are allowable for the same reasons discussed above with respect claim 1 and for the additional features recited therein.

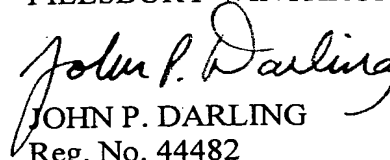
Reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph are respectfully requested.

In view of the above amendments and remarks, Applicant respectfully submits that all of the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

PILLSBURY WINTHROP LLP


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Enclosures:

Date-stamped receipt (March 13, 2002)
PTO-1449 dated March 13, 2002
Translation of IPER



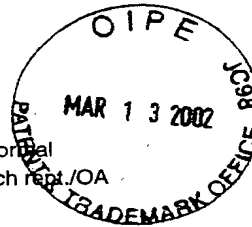
Pat-103 11/97 PTO RECEIPT FOR INDICATED ITEMS

Appln. No.: 0 /
Inventor(s): FUJITA, Nobuo
Title: GAS FEED DEVICE

Atty: GJP
Date: March 13, 2002
C#: 009429
M#: 0290756

ENCLOSED:

☒ Amendment
1 No. of Pages Abstract
10 No. of Pages Spec and Claims
6 No. of numbered Claims only
☒ Declaration (3 # pgs)
☒ Assignment [☒] Cover Sheet
No. of Priority Documents
2 No. Sheets Drawings (fig(s) 1 to 2) [☒] 1 set Formal
[☐] IDS Letter [☐] cited App. [☒] Foreign sch rept/OA
[☒] PTO-1449 [☒] cited docs.
\$ 1210 Fee (Check)
Other:



CURRENT DUE DATE: Nov. 12, 2002

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\$ 1210 Fee (Check)
Other:

10/070953

JC20 Rec'd PCT/PTO 13 MAR 2002

CURRENT DUE DATE: Nov. 12, 2002

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| Client Ref. | |
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0290756

TY-50567-US-01

Applicant: FUJITA, Nobuo

Appln. No.:

Filing Date: March 13, 2002

Examiner:

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| Group Art Unit: | |
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Date: March 13, 2002

Page

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of

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U.S. PATENT DOCUMENTS

| U.S. PATENT DOCUMENTS | | | | | | | |
|-------------------------|----|--------------------|-----------------|---|-------|--------------|------------------------------------|
| Examiner's Initials* | | Document Number | Date MM/YYYY | Name (Family Name of First Inventor) | Class | Sub Class | Filing Date (if appropriate) |
| | AR | | | | | | |
| | BR | | | | | | |
| | CR | | | | | | |
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FOREIGN PATENT DOCUMENTS

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| OTHER (including in this class: AAR, BBR, CCR, DDR) | | | | | | | | | |
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| | DDR | | | | | | | | |

Examiner

Date Considered:

PAT-1449 12/98

PATENT COOPERATION TREATY

PCT
NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

YOSHIDA, Kenji
 34-12, Kichijoji-honcho 1-chome
 Musashino-shi, Tokyo 180-0004
 JAPON

| | |
|--|--|
| Date of mailing (day/month/year) 29 May 2002 (29.05.02) | IMPORTANT NOTIFICATION |
| Applicant's or agent's file reference TYP1-4954 | |
| International application No. PCT/JP01/03906 | International filing date (day/month/year) 10 May 2001 (10.05.01) |
| Applicant TOYOTA JIDOSHA KABUSHIKI KAISHA et al | |

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

EP,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

None

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

| | |
|--|---|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35 | Authorized officer Eliott PERETTI Telephone No. (41-22) 338.83.38 |
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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | | |
|---|--|--|
| Applicant's or agent's file reference TYP1-4954 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/JP01/03906 | International filing date (day/month/year) 10 May 2001 (10.05.01) | Priority date (day/month/year) 12 May 2000 (12.05.00) |
| International Patent Classification (IPC) or national classification and IPC F17C 13/02, 11/00 | | |
| Applicant TOYOTA JIDOSHA KABUSHIKI KAISHA | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|---|---|
| Date of submission of the demand 27 July 2001 (27.07.01) | Date of completion of this report 25 October 2001 (25.10.2001) |
| Name and mailing address of the IPEA/JP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP01/03906

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP01/03906

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | | |
|-------------------------------|--------|-----|-----|
| Novelty (N) | Claims | 1-6 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1-6 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1-6 | YES |
| | Claims | | NO |

2. Citations and explanations

1. The present invention pertains to a gas feed device that feeds gas from a plurality of gas tanks via feed pipes that communicate with branch pipes individually connected to a plurality of gas tanks. Its object is to judge abnormalities in the sensors that detect gas pressure and to judge abnormalities in sensors, etc. when the device is operating normally.

2. As a means for achieving that object, an invention in accordance with claim 1 is a gas feed device comprising valves attached to branch pipes individually connected to a plurality of gas tanks, a gas pressure detection means attached to the gas tank side of the aforesaid valve in each of the aforesaid branch pipes, and an abnormality judgement means that judges abnormalities in the gas pressure detection means in connection with the aforesaid detection based on the opening and closing operation of at least two of the valves among the aforesaid valves, the valves associated with the aforesaid opening and closing operation, and the gas pressure detected by the gas pressure detection means attached to the branch pipes.

3. Therefore an abnormality is judged based on the opening and closing operation of at least two valves and the gas pressure detected at that time, so it is not necessary to attached special equipment for abnormality judgment and abnormalities can be judged under normal operation. Also, the abnormality judgement means judges that a gas pressure detection means is abnormal when its detected gas pressure is outside a specified range from a specified value determined based on the gas pressure detected from among the gas pressure detected by the gas pressure detection means involved with the aforesaid detection when the valve in the aforesaid opening and closing operation is open, so it achieves the useful effect that abnormalities in a gas pressure detection means can be judged more reliably.

4. None of the documents cited in the ISR describes or suggests the means of 2. above employed in an invention in accordance with claim 1.

Therefore the invention in accordance with claim 1 appears to be novel and to involve an inventive step, and satisfies the provisions of PCT Article 33(2) and (3).

5. The subject matter of claims 2-6 is dependent on claim 1, so it satisfies the provisions of PCT Article 33(2) and (3).

6. The subject matter of claims 1-6 appears to be industrially applicable, so it satisfies the provisions of PCT Article 33(4).